

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON and HOLLIE CARPENTER,

Plaintiffs,

v.

AMERICAN FAMILY MUTUAL
INSURANCE COMPANY, SI,

Defendant.

CASE NO. 3:22-cv-05171-DGE-RJB

ORDER DENYING MOTIONS FOR
SUMMARY JUDGMENT

This matter comes before the Court on the above-referenced motions (Dkts. 43 and 49). The Court has read, and re-read, all documents filed in support of and in opposition to the motions. The request for oral argument (Dkt. 49) would not be helpful to the Court and is denied.

Motions for Summary Judgment are covered by Federal Rule of Civil Procedure 56(a):

A party may move for summary judgment, identifying each claim or defense - or the part of each claim or defense - on which summary judgment is sought. The court shall grant summary judgment. If the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to a

1 judgment as a matter of law. The Court should state on the record the reasons for
2 granting or denying the motion.

3 A careful examination of the records in this case, filed by both parties, leads to the
4 conclusion that both motions for summary judgment should be denied. Voluminous briefs and
5 affidavits were filed, and the Court has spent many hours trying to understand the legal positions,
6 and whether there are "no genuine disputes as to any material fact" in the showings made. The
7 Court is satisfied that all alleged material facts are successfully challenged by the opposition
8 party, except, perhaps, the basic issues of issuance of the subject insurance policy to Plaintiffs
9 and the fire causing damage on March 20, 2021.

10 The arguments from both sides are replete with issues difficult to decide on summary
11 judgment, such as elements of personal intent and reasonable actions, substantial compliance,
12 disfavored forfeitures, prejudice shown, breaching good faith requirements, material
13 misrepresentations, failure to cooperate, intentional misrepresentations, knowledge of false
14 information, fraud, reasonable or understandable actions of insured and insurer, frivolousness,
15 and reasonableness of claim investigation and of insured duties. Many of these issues are
16 material, but must be decided after individual testimony of witnesses, and are very difficult to
17 decide based on paper arguments on summary judgment.

18 The briefs and showings from both sides were unreasonably unorganized. It was very
19 difficult to discern specific claims and defenses and to follow the necessary factual elements to
20 reach conclusions. This was a mess, but it is clear to the Court that there were no unchallenged
21 material facts in issue.

22 The Plaintiffs' Motion for Summary Judgment (Dkt. 43) and Defendant American
23 Family's Motion for Summary Judgment (Dkt. 49) should be DENIED.

1 IT IS SO ORDERED.

2 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
3 to any party appearing pro se at said party's last known address.

4 Dated this 23rd day of May, 2024.

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7 ROBERT J. BRYAN
8 United States District Judge
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